

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALONZO GLEASON and
FEDEX FREIGHT, INC. a foreign corporation
Doing business in New Mexico,

Plaintiffs,

vs.

No. CIV 12-437

VICTOR SAVINE, personally and as an agent and
Representative of Sparkling Snow, Inc., OLEH YURLYOVYCH
SICHKAR, personally and as an agent and Representative
Of Sparkling Snow, Inc. and SPARKLING SNOW, INC.,
a foreign corporation doing business in New Mexico,

Defendants.

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TO: UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

COMES NOW the Defendant, Sparkling Snow, Inc., a foreign corporation (herein after "Defendant"), by and through its attorneys of record, Butt Thornton & Baehr PC (Martin Diamond), and as grounds for removal to this Court, states as follows:

1. On or about April 3, 2002, a Complaint for Personal Injury and Property Damage was filed in the Fourth Judicial District Court, County of Guadalupe, State of New Mexico. The case was docketed as Cause No. D-424-CV-2012-24. The parties to said Complaint were Plaintiffs, Alonzo Gleason and FedEx Freight, Inc., a foreign corporation doing business in New Mexico and Defendants, Victor Savine, personally and as an agent and

representative of Sparkling Snow, Inc., Oleh Yurlyovych Sichkar, personally and as an agent and representative of Sparkling Snow, Inc. and Sparkling Snow, Inc., a foreign corporation.

2. The Defendant, Sparkling Snow, Inc. was served with a copy of the Summons and Complaint on or about April 13, 2012. Upon information and belief, Victor Savine and Oleh Yurlyovych Sichkar, have not been served.

3. Plaintiff, Alonzo Gleason, is a resident of the State of Texas.

4. FedEx is an Arkansas corporation with its principle place of business in Harrison, Arkansas.

5. Defendant, Sparkling Snow, Inc. is a Canadian corporation located in Richmond Hill, Ontario, Canada.

6. Defendant, Victor Savine, is a resident of Ontario, Canada.

7. Defendant, Oleh Sichkar, is a resident of Ontario, Canada.

8. Complete diversity exists between the Plaintiffs and Defendants in this matter. Upon information and belief, the amount in controversy in this matter is in excess of \$75,000.

9. The Complaint is a civil action over which this Court has jurisdiction pursuant to 28 USC §1332, and which is removable by Defendant, Sparkling Snow, Inc., under the provisions of 28 USC §1441, in that subparagraph (a), the matter in controversy exceeds the sum of value of \$75,000, exclusive of interest and costs, and subparagraph (b), the matter in controversy is between citizens of different states.

10. In accordance with D.N.M. LR-Civ. 81.1, copies of all process and pleadings served upon the Defendant, Sparkling Snow, Inc. in the State of New Mexico, County

of Guadalupe, Fourth Judicial District Cause No. D-424-CV-2012-24 are being filed with this Notice as Exhibit 1.

11. This Notice of Removal is filed with this Court within thirty (30) days after service upon Defendant, Sparkling Snow, Inc., which is the first pleading naming said Defendant.

12. Defendant, Sparkling Snow, Inc., immediately upon filing the Notice of Filing of Notice of Removal, gave written notice of the filing to Plaintiffs as required by 28 USC §1446(D) and filed a copy of this Notice of Removal with the Clerk of the Fourth Judicial District Court, County of Guadalupe, State of New Mexico, the Court from the which the action is removed.

13. This Notice of Removal is signed pursuant to Fed.R.Civ. P.11.

WHEREFORE, the Defendant, Sparkling Snow, Inc., prays that the above-entitled action be removed from the Fourth Judicial District Court, County of Guadalupe, State of New Mexico, to this United States District Court for the District of New Mexico.

BUTT THORNTON & BAEHR PC

/s/ Martin Diamond

Martin Diamond
Attorneys for Defendant
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I HEREBY CERTIFY that on the 25th day of April, 2012, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

William Frazier, Esq.
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/s/ *Martin Diamond*

Martin Diamond